

# Extraordinary Trial !

SECOND EDITION.

---

**PRICE SIXPENCE.**

---

NORTON v. VISCOUNT MELBOURNE,

FOR

**Crim. Con.**

Damages laid at

**£10,000!!**

A full and accurate report of this remarkable Trial taken in short hand by an eminent Reporter expressly for this edition, containing :  
the Attorney General's reply,—the Letters—Examination  
of Witnesses, &c.

Embellished with a

**PORTRAIT AND MEMOIR**

OF

***The Hon. Mrs. Norton,***

***&c. &c.***

---

LONDON :

W. MARSHALL, 1, HOLBORN BARS.

EXTRAORDINARY TRIAL  
SECOND DAY

PRICE SIXPENCE.

NORTON, G.C.

THE COURT

!!000,013

REPORT AND MEMOIR

OF THE COURT

OF THE COURT

38875/p





THE HON. MRS. NORTON.

**Extraordinary Trial!**

NORTON v. VISCOUNT MELBOURNE,

FOR

**CRIM. CON.**

Damages laid at

**£10,000 !!!**

A full and accurate report of this remarkable Trial taken in short hand by an eminent Reporter expressly for this edition.

Embellished with a

PORTRAIT AND MEMOIR

OF

***The Hon. Mrs. Norton,***

&c. &c.

---

LONDON:

WILLIAM MARSHALL, 1, HOLBORN BARS

[21330]





## MEMOIRS, &c.

---

THE hon. Mrs. Norton is granddaughter of Richard Brinsley Sheridan, and daughter of the late Thomas Sheridan, esq., by Caroline, eldest daughter of Sir James Campbell of Ardkinglass. Mrs. Norton's husband, the hon. George Chapple Norton, is next brother to Fletcher, present Lord Grantley.

The Nortons derive from the baronial house of Conyers, which established itself in England at the conquest. Roger Coigniers, espousing Margaret, only daughter and heir of Richard Norton, of Norton, had a son.

Adam, who, in conformity with the custom of the times, assumed the surname of his maternal family. This Adam wedded Alice daughter of Sir Thomas Nonwick, sometimes called the Grea Forester, and had two sons;

Richard, ancestor of the Nortons, of Yorkshire;

John, from whom those of Suffolk descended.

Richard Norton, the elder son, married Elizabeth, daughter and coheir of Sir John Tempest Knt., and by her had a son, Sir John Norton, Knt., whose Great grandson,

Richard Norton, of Norton, esq., one of the council of the north, in the reigns of Henry VIII. and Edward VI., served the office of high sheriff for the county of York in the reign of Elizabeth. In 1569, however, this Richard Norton joined Charles Neville, Earl of Westmorland, Thomas Percy, Earl of Northumberland, and

other insurgents in the north of England, who published a manifesto, declaring "that they took up arms with no other design than to re-establish the holy religion of their ancestors, to remove evil councillors from the Queen, to restore the Duke of Norfolk, and our faithful peers, who were confined and deprived of their honours, their liberty and the royal favour; and that they attempted nothing against the Queen, to whom they vowed a most constant fidelity and affection." The malcontents were soon suppressed, and the chiefs convicted of high treason, and attainted; among those Richard Norton, and his brothers Christopher, Marmaduke and Thomas. It is supposed that the connection of the Nortons with the Nevilles led the former into the insurrection. Wordsworth's "White Doe of Rylstone, or the Fate of the Nortons," records this event, and several ballads upon the subject may be found in Dr. Percy's Collection. Richard Norton espoused, first, Susanna, fifth daughter of Richard Neville, Lord Latimer, and, secondly, Philippa, daughter of Thomas Kapps, esq., of London. He had issue only by the former marriage, of which,

Edmund, the third son dwelt at Clowbeck, in the North Riding of Yorkshire, and his descendants, upon failure of issue of his eldest brother, became the principal branch of the family. He died in 1610, leaving, with other issue, a third son,

William, who settled at Lawley, near Ripon, in Yorkshire, an estate still enjoyed by the family. His grandson,

Welbury Norton, esq., of Lawley, a Justice of the Peace for the county of York, married Catherine, daughter of Thomas Norton, esq., of Langthorne, in the same county, and had with other issue, a son,

Thomas Norton, esq., who became possessor of a considerable estate at Grantley, Yorkshire. He married Mary, daughter and coheir of Thomas Fletcher, esq., by whom he had

Thomas Norton, esq., of Grantley, father of

Fletcher Norton, esq., of Grantley. This gentleman having applied himself successfully to the study of the law, was appointed Solicitor-general, 14th December, 1761, received the honour of knighthood in 1762, was raised to the Attorney-generalship in



December, 1763. Sir Fletcher, having a seat in the House of Commons, was elected to the Speaker's chair, upon the resignation of Sir John Cust, in 1769. This responsible and distinguished office he filled with increased reputation, and the following memorable speech marks the high tone of his character. In 1777, when the Civil List debts were paid a second time, and the sum of £618,000, granted for that purpose, amidst the necessities of a disastrous war, the speaker thus addressed the throne, on presenting the bill for the royal assent:—"In a time Sire, of public distress, full of difficulty and danger, their constituents labouring under burdens almost too heavy to be borne, your faithful Commons, postponing all other business, have not only granted your Majesty a large present supply, but also a very large additional revenue, great beyond all example, great beyond your Majesty's highest expenses; But all this, Sire, they have done in well-grounded confidence that you will apply wisely what they have granted liberally." Some objection having been made to the mode of this address, the Speaker boldly declared, "that he could no longer continue in that chair than he was supported in the free exercise of his duty." Mr. Fox, having moved a vote of approbation, it received the unanimous assent of the House. Sir Fletcher afterwards supported Mr. Dunning (Lord Ashburton) in his celebrated motion, "that the influence of the Crown had increased, is increasing, and ought to be diminished." Upon his retirement from the Speakership, in 1782, Sir Fletcher Norton was elevated to the peerage, by patent, as Lord Grantley, Baron of Markenfield in the city, of York. His lordship was also a member of the Privy Council, recorder of Guildford, and LL.D. He wedded Grace, eldest daughter of Sir William Chapple, Knt., one of the judges of the Court of King's Bench, and had issue, besides two sons who died unmarried.

The hon. George Chapple Norton, barrister at law, born 31st May, 1800, represented the town of Guildford in parliament from 1826 to 1830, and is at present recorder of that borough, and Magistrate of Lambeth Police office. Mr. Norton married, as above

stated, Caroline Elizabeth Sarah, second daughter of the late Thomas Sheridan, esq., and has issue,

Fletcher Spencer Conyers, born 10th July, 1829.

Thomas Brinsley, born 15th November, 1831,

William Charles Chapple, born 26th August, 1833.

## THE TRIAL.

*Common Pleas, June 22, 1836. (before Lord Chief Justice Tindol, and a Middlesex Special Jury.*

This case, which has excited such an extraordinary degree of interest, came on for trial this morning. Long before the time appointed for the opening of the Court to the public, the galleries were crowded, it being generally understood that as much as five guineas had been given for seats. Indeed, rumour, with her hundred tongues, makes the impatiently curious part of the community much more extravagant. When the door was opened, there was a tremendous rush from the hall, and the court in every corner was instantly crammed. The *gowned* and *wigged* members of the bar formed by far the largest portion of the auditory. When the rush was made, several gentlemen of the bar appeared amongst the crowd, and the unavailing cries of "make way for the gentlemen of the bar," excited considerable merriment.

The Lord Chief Justice came into court precisely at half-past 9 o'clock and the jury was then called over.

The name of Sir Robert Peel was called but the hon. Baronet did not answer.

The following jury was then sworn in :—Robert Stafford, merchant, foreman; William Rowlandson, merchant; Augustus Ruff, merchant; Anthony Hammond, esq.; George Robert Smith, merchant; Charles Wilkinson, merchant; John Dunn, merchant; William Hopkinson, merchant; Vallentine Collins, merchant; Robert Smith, merchant; and John Simpson, merchant.

Mr Bayley was about to open the pleadings, but from the uproar in the court, it was impossible to hear a word the learned gentleman uttered.

The Attorney-general said, that unless some means were taken to produce order, it would be impossible for the trial to proceed.

The Chief Justice said, that unless there was more order and silence he would adjourn the court.

One of the officers said that several of the witnesses were endeavouring to get in.

The Chief Justice.—When they are called let them be admitted, and

not till then. His lordship added, that as the court was now full, the doors might be closed, and no person else admitted except witnesses.

The Attorney-general said that it was proper that the witnesses should be all ordered out of court.

The Chief Justice said, that any witness who appeared to give evidence must leave the court, or he would not be heard when in the box.

The witnesses were accordingly ordered out of court.

Order having been in some measure restored,

Mr. Bayley opened the pleadings. He said that in this case George Chappel Norton, Esq. was the plaintiff, and William Lamb Lord Viscount Melbourne was the defendant; and the declaration charged the defendant with 'having carried on criminal conversation with the wife of the plaintiff, to which the defendant pleaded Not Guilty, and therefore issue was joined.

Sir William Follet then rose to address the Jury, and spoke as follows:—My Lord and Gentlemen of the Jury—it is impossible for me to address you on the present occasion without feeling deeply sensible of the responsibility of the task imposed on me. Of the nature of this action, and the injury which the plaintiff has suffered, you are already well aware, as unfortunately from the high rank of one of the parties—from the position which he occupies in this country and in the Councils of his Sovereign—and from the well-known beauty and talent of the unfortunate lady whose conduct will be made the subject of investigation this day—this subject has become one of public and painful notoriety; and in justice to all parties—in justice to the defendant—and in justice to the lady herself, I am sure you will feel bound to dismiss, as far as you possibly can, from your minds, the idle rumours to which this case has been subjected, and that you will approach it as you would any other trial, between two persons whose names were wholly unknown to you; that you will act upon the evidence only—upon evidence adduced on the part of the plaintiff, and if in your minds you are satisfied of the guilt of the party, you will fearlessly pronounce your verdict. The position of the parties in society you will feel to be a subject for your consideration, as forming one of the circumstances on which your verdict will in a great measure depend; if you find that the defendant in this case has taken advantage of his high position to lull the suspicions that might otherwise have been awakened, or to introduce himself into the family of the plaintiff as a benefactor, a patron, and a friend—if he has taken advantage of that position to inflict upon the plaintiff the deepest injury—aye, the deepest in every case in the present state of society which one man can inflict upon another—if you find that this illicit intercourse has been long continued—that children have been born, and that it is impossible to ascertain the ex-



tent of the injury: and if you find that he has poisoned that source which is the purest of all feelings—the affection of a father for his dear and lovely children—this, Gentlemen, is the case which I have to address you upon, and upon which I beg your calm and dispassionate attention. On the part of the plaintiff I ask you to look calmly and dispassionately at the proofs which we will adduce before you, and then we will call upon you to say whether you are satisfied or not of the guilt of the defendant. The plaintiff, as you all know, is Mr. Norton, brother and heir-presumptive of Lord Grantley. Mrs. Norton is the daughter of the late Mr. Thomas Sheridan, who unites considerable personal attractions with a great deal of that talent for which her family has long been celebrated. They were married in the month of July, 1827, Mr. Norton being at that time 27 years of age, and Miss Sheridan 19 years of age. It was a marriage of affection—at least on the part of Mr. Norton it was one of unbounded affection. Their income at that time was extremely limited for the rank of the parties. They inhabited a small house, which Mr. Norton occupies at the present moment near Storey's-gate, looking towards the Bird-cage-walk. The house is close by Storey's-gate, and the situation is rather important, as you will perceive when I come to speak of the evidence. It is the first house as you enter the Park. At the time of their marriage Lord Melbourne was not acquainted with either of the parties: he had no acquaintance either with Miss Sheridan or Mr. Norton. A child was born in July 1829; he was the eldest son. Their first acquaintance with Lord Melbourne was in the early part of the year 1831, and it commenced in this way:—Mr. Norton was a Commissioner of Bankrupts; that office was reduced, and upon that a suggestion was made that Lord Melbourne, who was at that time Secretary of State for the Home Department, had been in early life acquainted with Mrs. Norton's family. Mrs. Norton wrote to Lord Melbourne to state the Injury that was done to her husband, and the consequence of her application was a visit from Lord Melbourne. He called in answer to her note, and shortly afterwards he appointed Mr. Norton to the situation of Police Magistrate for the White-chapel district; this was in April 1831. This appointment necessarily obliged Mr. Norton to be absent a great deal from his home. He was obliged to attend at the Police-office Whitechapel, which was at a considerable distance from his house. He left his house in the morning and was absent in general till 7 o'clock, and occasionally when he was obliged to remain late, he dined in the neighbourhood of his office. After this appointment Lord Melbourne became a constant visitor at Mr. Norton's house in Storey-street. I do not mean to say that those visits were altogether confined to



the periods of Mr. Norton's absence. Lord Melbourne professed to be the friend of Mr Norton. He came into the house as his patron, and Mr. Norton felt towards him nothing but friendship. Lord Melbourne dined in the house several times, and professed to be on terms of intimacy; but I find that Lord Melbourne was a constant visitor at the house at times when Mr. Norton was not there. He began by coming to the house shortly after the duties of the Home Office were (I suppose) discharged—about 3 o'clock. He was in the habit of leaving before Mr. Norton returned, and I think that any gentleman, on looking at the evidence I am going to state must be satisfied that very shortly after their first interview a criminal intercourse commenced, and was continued between the defendant and the wife of the plaintiff. Of course in all cases of this sort it rarely or never happens that you can prove the actual commission of the offence. In this case, as in all other cases of crime, for crime it is, you must convict the parties on circumstantial evidence, which would lead any unprejudiced mind to infer a guilty conclusion. I was telling you, gentlemen, that Lord M. was a constant visitor at Mr. Norton's when Mr Norton was not there. In what way did he visit? The first thing that strikes me is this. I do not know whether it may be important in the result, but, I confess it appears to me rather extraordinary. The house of Mr Norton opens into Bird-cage-walk—that is the public entrance. There is another in a small court behind. Whenever visitors entered the house they came by the entrance of Storey's-gate, that was the way by which visitors entered, and it is the one particularly which a person coming from the Home Office would very naturally enter. Lord Melbourne always went by the gate that opened from behind. When Lord Melbourne came to the house Mrs Norton gave orders to the servants that no one else should be admitted, and no one else was then admitted. These orders were then acted upon. The servants were directed not to admit the most intimate friends, even their relations, whilst Lord Melbourne was there. The servants were directed not to come into the room unless they were rung for, and they obeyed generally. The blinds which looked into the Park were drawn down while Lord Melbourne was there. He was in the habit of leaving shortly before Mr Norton came home. From Mrs Norton's conduct you, gentlemen, must infer what else took place. She goes to her room; prepares herself to receive Lord Melbourne; dresses, arranges her hair, and gets the room ready before he comes. While he was in the house she frequently goes into her bed-room whilst he was there. Her hair is disordered, her dress is disordered, she goes again to her bedroom to set it to rights. Having arranged her hair she comes down again to Lord Melbourne. But the case is not confined to her house alone;

Mrs Norton has been to Lord Melbourne's house, and has been in that house alone with Lord Melbourne more than once. I shall show you that she has been in the carriage of a friend which she was in the habit of using—that it has carried her to Lord Melbourne's house, and left her there—that the carriage then drove round the Park, and then went to Lord Melbourne's house to take her up. Where had she been during that time? Or in what room? It was true he could not show---she was in the house of Lord Melbourne---a young and beautiful woman, and alone. I cannot call the servants of Lord Melbourne in order to inquire where she was; but he can do so, and he may show that all was done was consistent with innocence; if so we shall probably hear how and where she was employed---that she had been to Lord Melbourne's house was beyond a doubt. Again, with respect to the manners and habits of Lord Melbourne, I shall prove that when Mrs. Norton was ill and confined to her bed-room, he remained there an hour or two. This must seem very extraordinary, according to the manners of the present day; but the case did not rest here. One of the servants having gone into the room while Lord Melbourne was there, on more occasions than one found the door bolted, and had seen kisses pass between the parties. She had seen Mrs. Norton's arm round Lord Melbourne's neck---had seen her hand upon his knee, and herself kneeling in a posture. In that room Mrs. Norton has been seen lying on the floor, her clothes in a position to expose her person---(Great sensation.) There are other things, too, which it is my faithful duty to disclose. I allude to the marks from the consequences of the intercourse between the two parties. I will shew you that these marks were seen upon the linen of Mrs. Norton \* \* \* \* \*

and I have other facts to disclose, which leave no doubt of the guilt of these parties. It is laid down in the admirable judgment of Lord Stowell that there must be circumstances which would lead the guarded discretion of a reasonable and just man to concur in a conviction. I ask you as men of the world, with a knowledge of the feelings of your brother men, I ask you what must be the meaning of the visits of Lord Melbourne to this young and beautiful woman? What was the meaning of her denying herself to others, while Mel-



bourne was there? Why did she dress to receive him? Why were the blinds drawn down? Why were the children removed? And why were strict injunctions given to prevent any person from coming in the room? Why—this alone would lead to the conclusion that these visits were not consistent with innocence. And looking at the familiarities that passed between them—at the kisses—the embraces, and the position in which they were seen—could there be on the mind of any man the slightest doubt of their guilt? It is notorious that there was a constant interchange of letters and messages between them. There are several notes of Lord Melbourne's. The first merely said—"I will call about half-past four... Yours."

This letter has no beginning; it has no commencement. It does not commence as letters usually do, which are written by gentlemen to ladies. The next letter was in these words:—

"How are you? (A laugh.) I shall not be able to call to-day, but I probably shall to-morrow.—Yours."

This is not the note of a mere acquaintance. The next letter runs thus:—"There is no house to day. I will call after the levee, about half-past four, or, if you wish it, later. Let me know what you intend, about going to Vauxhall.—(A laugh.) Yours."

All the other letters of Lord Melbourne were removed by Mr. Norton's brother. There is another topic to which I must now call your attention. If you are satisfied, as satisfied I think you must be of the facts stated, it remains for you to consider what damage you will give—you are aware that by the law of this country, a husband sustaining an injury of this sort, has no mode whatever of obtaining redress, or guarding against a spurious offspring being palmed upon him, but by first bringing his case before a jury and seeking for damages for the injury he has sustained. It will be said that Mr. Norton was careless of his wife--- that he allowed these visits from Lord Melbourne without disapprobation and remonstrance---that he was absent from home, and that thus opportunities were given to Lord Melbourne. Mr. Norton's absence was a compulsory absence, and at times where a husband, from the duties of his profession, is obliged to leave his home and his wife for a great part of the day, must he suffer, or must blame be attached to him, because a person whom he

has treated as his friend takes that opportunity to seduce the affections of his wife. I can never believe that his absence, or those opportunities which Lord Melbourne had in consequence will be brought out against the plaintiff. As to suspicion, I believe I can call before you every servant who has been in the house, who have lived there during the time, and who will tell you that however their suspicions may have been excited that Mr. Norton had no shadow of suspicion till inquiry was made and Mrs. Norton left his house. That Mr. Norton was a kind and indulgent husband, he could not give a better proof than by reading the letters of Mrs. Norton herself---letters written during a time when he was absent, and which were quite sufficient to lull everything like suspicion of the truth of her affection and kindness, and speaking of Lord Melbourne as of any other person with whom she was acquainted. The letters that were written are those of an affectionate wife to an absent husband---they are full of affection, and calculated to disarm anything like suspicion, if any such existed.

The Attorney-General believed he might object to the reading of these letters, as he apprehended they were written after the time when the crime was charged, but he would waive that objection.

Sir W. Follett—You need not have made it then. These things are done merely *ad captandum*.

The Chief-Justice—If the letters were written after there was just cause of suspicion, they are not evidence in the case.

Sir W. Follett—I was going to state that there was not the slightest pretence for objection, and I am prepared to shew it. They are perfectly legal evidence, and my hon. and Learned Friend knows it. The letters were written at a time when there was no suspicion in the mind of Mr. Norton, when he was absent from home. Some of them were written to Scotland, during the period of an occasional absence. The first was dated July 12th, 1831. It began "Dearest George, pray come home as soon as you possibly can." [The letters went on to state that the children were all well, that one of them was playing with a pug dog and a pet lamb, that the lamb was so stupid that she was inclined to roast it twenty times a day. Three other letters were read, all expressive of affection and dated at several periods, viz. 1832, 1833 and 1835. In the latter she stated that Lord Melbourne had lent her a book containing Dr. Jardner's letters, in which he proved that Mary Magdalene was the most virtuous of her sex.—(Great laughter.) She had not read the book yet, but she was impatient to see how he proved it.]



These letters certainly showed, at least to all appearances, affection on the part of Mrs. Norton; and looking at the last letter, which ended in some quarrel, in which she admitted herself to be in the wrong, was it not a letter written by a person who professed to be an affectionate wife? There was nothing in the letters or in her conduct calculated to excite any thing like suspicion. Of course the position of the parties in this case, the rank of one of the parties, and the mode in which they lived being considered, it is for you, Gentlemen, under all circumstances, to say what may appear to you a proper account of damages. With respect to the fact of guilt, I am not going to trouble you again; you must look at the circumstances. You must look at them in order that you may do justice between the parties. You must look at them with your knowledge as men of the world, and it is then for you to say, are they or are they not, consistent with innocence? Gentlemen, looking at the visits of Lord Melbourne to Mr. Norton's house, in the way that I have mentioned—looking at the events that have taken place as I have described them to you, and as they will be described to you by witnesses—can you resist being satisfied that, for a considerable space of time, Lord Melbourne has been carrying on an illicit intercourse with this unfortunate woman, the wife of the plaintiff? It is then for you to say what damages you will give. As for the plaintiff, his conduct does not fear the fullest investigation. What is the conduct of Lord Melbourne? It is painful for me to speak of this, but I ask you if there is anything of extenuation in this case? Is not everything in the case, from the beginning to the end, an aggravation of the conduct of the defendant? His rank is an aggravation—his age is an aggravation—and the hollow pretence of his being a friend of the plaintiff is a still greater aggravation. Could they then compensate Mr. Norton? I think not. I know it is a trite observation, that no money can compensate such an injury he has sustained—that nothing can compensate him for the loss of his domestic happiness, for the tortures to which he has been exposed—and, above all, nothing which this world can give, can compensate him for the agonies of a fond husband, and an affectionate father, for the loss of his wife, the mother of his children. I do not, then, ask you to give damages to compensate Mr. Norton, but I do ask you as husbands—I ask you as fathers—and I ask you as men—to consider what his sufferings must be. I call upon you to mark by your verdict, in the only way in which the law allows, your sense of the conduct of the defendant, and of the evil—the irremediable evil which he has inflicted upon the plaintiff.

The Learned Counsel then sat down.

George William Norton, examined by Mr Crowder—Proved the marriage of Mr. and Mrs. Norton in July, 1827; that they had lived upon affectionate terms.

G. W. Norton cross-examined by the Attorney General—I have seen many men of rank at Mrs. Norton's. I have never seen Lord Melbourne there. I know Lady Seymour, she is Mrs. Norton's sister. Another of the sister's is married to Captain Blackwood. I know Mrs. Blackwood. Mrs. Norton has continued to associate with her sister's family and her relations down to the time I speak of. Mrs. Norton continued to be visited by her friends and relations. Lady Graham, Sir James Graham's wife, is her aunt, and I believe she also visited her. I have seen Mrs. Norton since her separation from her husband.

Re-examined by Sir W. Follett—I have been in the habit of going to Mr. Norton's often in the course of the year, more than five or six times. There is no carriage access to the house in Princes-street—the carriage access is in the Birdcage Walk. The Birdcage Walk is very much frequented I believe. There is no knocker to the door there—it opens into a court.

George Derby, examined by Mr. Bayley—I reside at Mackley, near Warburton, in Sussex, and I have a house in George-street, Westminster. I am acquainted with Mr. and Mrs. Norton, I believe, since their marriage. I knew Mr. Norton before his marriage, and after that I was in the habit of seeing a great deal of them. I have continued my acquaintance with them, and mere circumstances have prevented my visiting them so much lately. When I was in the habit of visiting them I saw nothing that would lead me to conclude that there was any thing but affection between them. They appeared to live on the best terms. Mrs. Norton was exceedingly fond of her children. I was then perpetually at my house and their own.

Cross-examined by the Attorney General—This affection continued, so far as I know, down to the time of their separation. I know nothing to the contrary: she was remarkably fond of her children—my children used to go to

them. Mrs. Norton appeared devoted to her children, and was an excellent mother in every way.

Georgiana Veitch—I lived with a sister of Mr. Norton's as lady's-maid at Storey's-gate from January to April, 1832. Mr. and Mrs. Norton were there all the time. Mr. Norton was in the habit of going to his office every day, and coming back at six or seven in the evening. During that time I have often known Lord Melbourne to be there, but I could never get a look at him. I have seen Lord Melbourne going up and down stairs. I have seen him come two or three times a week. At one time I knew Lord Melbourne to be there nearly three hours. There was no one else there at the time. At other times he remained perhaps an hour, or longer. I never knew him to stay till Mr. Norton came home from his office. I never knew of any other visitors being admitted when Lord Melbourne was there. It was the duty of William Maunsell to open the door; other servants also attended, but I never let Lord Melbourne in or out. His visits continued during the whole time I was there. I know he was there on one occasion three hours, because I went out when Lord Melbourne came in, and from the distance I walked it must have been three hours—when I came back he was still there.

Cross-examined by the Attorney General—Miss Norton was residing there all the time. This occurred more than four years ago. Miss Norton was very often in her own room when Lord Melbourne called, as she was a great invalid at the time. I never could say positively that Lord Melbourne dined there during the four months, but he might have done so. I was never in the dining or drawing-room. There were a great many visitors there. They were gentlemen.

Ninnette Elliot, examined by Mr. Crowder—I was in the service of Mrs. Norton at Storey's Gate, in the year 1831, as housemaid and lady's maid. I remained there nearly two years. When I went there first Lord Melbourne visited there. Mr. Norton was in the habit of going to his office from nine to ten or eleven in the morning and



returning at six o'clock to dinner. Lord Melbourne's visiting time was between two and five and half-past five. He used to remain an hour or an hour and a half, and sometimes more. If not particularly engaged he used to come every day. I have seen him there every day some weeks.—(Laughter.) When Lord Melbourne came, I used to be up stairs, and at first the children used to be brought down stairs. The most time Lord Melbourne came was in 1832. I used to bring the children to the room, and they remained there a quarter of an hour. The nurse, Commons, used to be sent for to take the children away. Mrs. Norton used to call or ring. I used to assist her to dress before Lord Melbourne came. She used to come down stairs about one o'clock. She dressed her hair always herself. While Lord Melbourne has been there, have known her to come up to her room, and have gone to her there. I have not observed much alteration in her dress. I used to see her on these occasions wash her hands, and smooth her hair again. I never assisted her, but she used to call me to give her a clean pocket handkerchief. This has happened frequently, and she then went down stairs again, and Lord Melbourne has still been there. He remained sometimes an hour, and sometimes an hour and a half afterwards. Mrs. Norton was in the habit of *rouging*, and on these occasions she used to *rouge*. She wore her hair braided. When Lord Melbourne has been there, I sometimes went into the room to fetch or take away the children. The orders were, that no one was to go into the drawing-room when Lord Melbourne was there—that was the order to us all. I have opened the door for visitors, and the orders were that Mrs. Norton was never to be at home when Lord Melbourne was at home.—(A laugh.) I remember Mrs. Norton's return from Scotland in the year 1832. I have seen Lord Melbourne there shortly after her return; I think he came the week after, or the very week. I never went into the room when I was not called. I have seen Lord Melbourne and Mrs. Norton in the room together—they were both sitting on the sofa with Mrs. Norton's hand in Lord Melbourne's hand. I went in with the children—I was called. I never saw them touch



each other on any other occasion. I have seen Lord Melbourne kiss Mrs. Norton. When he went into the room one day he did so. I went up stairs first, and had the door in my hand to shut it after announcing him, when I saw him kiss her. I remember Mrs. Norton's confinement of a boy (Brinsley,) at the end of the year 1831. It was about four o'clock in the morning. When Lord Melbourne came there to visit, the blinds were generally half down in the drawing-room; when he came they were pulled down entirely, and remained so while he was there: after Lord Melbourne left, if it was time to light the candles they were kept down, if not, they were pulled up again. Mrs. Norton was in the habit of taking a clean pocket handkerchief when she came up stairs. I observed a great loss of pocket handkerchiefs.

Cross-examined by Sergeant Talfourd—I went to Mrs. Norton's in 1831. Mr. Norton kept a horse; sometimes the carriage used to fetch him from his office, and sometimes he came home on horseback. He never rode out before dinner. Lord Melbourne dined there sometimes, but not often—I think about once a fortnight, with Mr. and Mrs. Norton. For the last few months I was there he (Lord Melbourne) dined there as often as once a week. Mrs. Norton used to go to the play a good deal; Mr. Norton used to go with her, and Lord Melbourne sometimes accompanied them. Mr. Norton never came home from his office till six, or near six.

Did he ever come home while Lord Melbourne was there?—Never.

Have a care what you say. Do you mean to say he never came home while Lord Melbourne was there?—I have known him once, but not many times. The most time I knew of it was when I was cook. Mr. Norton used to come when Lord Melbourne was just a going. He has very often gone just before Mr. Norton came,—(Loud laughter.) On these occasions Mr. Norton was rather angry when he went into the drawing-room and had heard that Lord Melbourne was there. Mr. Norton was always angry when he found that Lord Melbourne was at home.—(Much laughter.) That did not happen very often; it might occur about once a-week. Mr. Norton used on these occasions to come out of the drawing-room and go down to dinner, and Mrs. Norton also. Lord Melbourne did not on these occasions stay for dinner. Mrs. Norton was very fond of her children, and seemed to be

an attentive mother until I went away. The house is small; there is only a dining room on the floor, a drawing-room over that, and the bed-rooms above. I am now married, and left Mrs. Norton's service to be married. I was married a month after I left her. Twelve months afterwards my first child was born. I am quite positive Mrs. Norton did not discharge me on any suspicion. I saw Mr. Norton twice since his separation from his wife. He did not charge me to answer no questions. Mrs. Norton did not discharge me. She found out I was in the family-way before I left her service. I told her so myself. She said she would keep me while I was able to do the work.

Re-examined—My husband is a private in the Scotch Fusileers. The usual dinner hour was six o'clock in Mr. Norton's. When there were strangers, it was seven or half-past seven. There used to be many persons coming there, but not many ladies. When they went to the play, seldom any person dined there but Lord Melbourne.

The witness was re-called, re-examined by one of the Jury.—Was the kiss implanted by Lord Melbourne upon Mrs. Norton's cheek, or was it on her hand?—Upon her cheek. I saw Lord Melbourne's face close to Mrs. Norton's as I was shutting the door, and I heard the kiss. Mrs. Norton was sitting on a chair when Lord Melbourne entered, and she rose up and advanced to meet him. Lord Melbourne entered the house by the door at Prince's-court. Pedestrians usually came through that door, and visitors in carriages and on horseback, through the door in the park.

Ellen Monk was in the service of Mrs. Norton, in 1834. Mrs. Norton was ill about three months after she entered her service. Recollects being rung for upon one occasion by Mrs. Norton during her illness, Lord Melbourne was with her at the time in her bed-room. Mr Norton was not at home.

Eliza Gibson was next called, but on ascending the witness-box became so faint that she was obliged to give her evidence sitting. A glass of water having been given to her, she said she served as house-maid to Mrs. Norton, occasionally as lady's maid. Lord Melbourne was in the habit of coming frequently. Got directions not to go in the room while Lord Melbourne was there. No visitors were ordered to be admitted. Had known Mrs. Norton to come up stairs to alter her dress, to put her collar and hair to rights, which were generally tumbled when she came up stairs. She put fresh rouge upon her face.

Thomas Bullemen examined by Mr. Crowder—Witness

lived a month with Mr. Norton in 1833. Went in the month of July. Before that he was for one year and three quarters in the service of Col. Armstrong as footman. Miss Armstrong was very intimate with Mrs. Norton, and very frequently called upon her in the carriage. They used to drive up to the door in the park. When he was on the footpad he could see into the drawing room windows when the blinds were not down. They were very frequently down when they called, and upon such occasions Mrs. Norton was never at home. Miss Armstrong was then let in. Witness had made inquiries of a servant in the house named Tucker, from whom he had received information of who was there on such occasions. He had been told the same by two other servants, named Mansell and James. Miss A. frequently drove Mrs. Norton out, and one day they drove her to Lord Melbourne's, in South-street. He was directed to inquire if he was at home. He was so, and Mrs. Norton went in. Miss A. never went in but once, when Mrs. Sheridan or Mrs. Blackwood was present, and went in also. When Mrs. Norton went in, she used to say to Miss A.---“ Sophia, have you any calls to make ?”---or, “ Will you take a drive ?---or, “ Will you wait a few minutes ?” They had frequently driven away, and returned again in from half an hour to an hour. Mrs. Norton had given witness orders not to admit any visitors when his Lordship was there. He never went into the drawing-room on such occasions, except with notes. Mrs. Norton never gave him any other orders against going in. He had gone in on two occasions ; once Mrs. Norton and Lord Melbourne were sitting on the sofa, and his Lordship had his hand on her shoulder ; on the other occasion it appeared as if they had been sitting close together ; they were rather confused, and Mrs. Norton was putting up her hair on one side. On the first occasion he gently removed his hand, but did not appear to be at all taken by surprise. Witness had frequently taken notes from Mrs. Norton to his Lordship, and he had seen his Lordship call afterwards Mr. Norton went to his office in the morning, and Lord Melbourne used to go away before he returned, except when he staid for dinner.



William Lawley, examined by Mr. Crowder.—I was as job coachman in the service of Colonel Armstrong about two years and nine months. I was in the habit of driving Miss Armstrong to Mrs. Norton's, and have driven them both to South-street. Upon those occasions Mrs. Norton went into the house of Lord Melbourne, but Miss Armstrong never went with her to my knowledge. I used to drive away with Miss Armstrong and return again. Part of the time I was there Bulleman was the footman.

Cross-examined by the Attorney-General—I have seen Miss Armstrong here to-day. I suppose Miss Armstrong saw all I saw upon the occasion I drove her and Mrs. Norton out. I have driven Miss Armstrong to the Duke of Devonshire's both with Mr. and Mrs. Norton. I drove Mrs. Norton once to the Duke of Devonshire's without Mr. Norton. I don't know whether the Duke of Devonshire was ill or not. It was generally about three or four o'clock when I drove Mrs. Norton there. I cannot say how long she remained there before Miss Armstrong fetched her home. I have taken Mrs. Norton with Miss Armstrong to a great many other places on visits. I have driven her to Lansdowne-house in the morning part of the day. I have frequently taken her to Sir James Graham's at the Admiralty, and to the sister of Lady Seymour, Mrs. Blackwood, and others. I don't know that I ever took Mrs. Norton alone. I have seen Col. Armstrong here to day. I have taken Mrs. Norton, to Stratford Place, Oxford-street, I don't know whether Mr. Hayter, the Portrait Painter lived there or not. I don't recollect Mrs. Norton meeting him there but Miss Armstrong accompanied her there likewise Col. Armstrong sometimes accompanied Miss Armstrong and took up Mrs. Norton. We left him at White's Club-house. I don't think that there was any mystery about that.—(A laugh.) I don't recollect how Mrs. Norton was dressed when I left her at the Duke of Devonshire's, except that she had a white veil over her bonnet. I believe she was dressed as ladies generally are when they pay morning visits, but I did not notice her particularly.

Re-examined by Mr. Crowder—I did not take notice of the precise time when I took her to the Duke of Devon-



shire's. Bulleman was footman. I think we called for her again, but I am really not certain.

John Fluke examined---Lived in the service of Mr. Norton as coachman for four years; Had taken notes many times from Mrs. Norton to Lord Melbourne at the Home Office, and returned with answers. When witness was sent out he generally went up to the drawing-room to deliver his message to Mrs. Norton. Upon one occasion he was sent to the play for tickets for the boxes, he could not say whether it was the Olympic or not. On his return witness went up stairs as usual and knocked twice at the door, but received no answer, and supposing Mrs. Norton was not in the room, he opened the door and went in. He there saw Lord Melbourne sitting on the left hand side of the fireplace, with his knees together and his elbows upon them, looking at Mrs. Norton, who lying on the hearth rug on her right side; the moment witness got into the middle of the room, Mrs. Norton's clothes were in disorder, her left leg was uncovered, and witness saw as far up as the thick part of the thigh: witness immediately turned round and retired from the room, and went down stairs, but he did not mention any of the circumstances at that time. When he went home he mentioned it to his wife, and others.

What was the reason, Sir, that you left Mr. Norton's service?—Why if the truth must be told, Sir, I got a little drop too much.—(Great laughter.) It was a Court-day, and we generally get something to drink on those days.--(Increased laughter) Mr. and Mrs. Norton fell out in the carriage, and I suppose Mrs. Norton was determined to spit her spite at me.---(Great laughter.)

Had you taken any thing that day?---Yes, I had a drop too much, and Mrs. Norton was cross that evening, because the black horse happened to gallop.---(Much laughter.) I could not keep him in a trot.---(Renewed laughter.) Horses will break sometimes in a gallop, and you can't help it.

And so they spit their spite on you?---Oh dear, yes, Sir; it is not the first time I have had it.

Then you sometimes had a drop too much?---Why, Sir,

I don't know who don't.---(Much laughter.) The best of us take it, masters and servants.---(Much laughter.)

Did Mrs. Norton complain of you ?---Yes, although I was a very good servant.

Did they not say you talked a good deal ?---Yes, I did tell my mind pretty fairly.

Had you a wound on your head ?---No, but I had a little touch of Waterloo on my hip. That was nobody's business for I never complained of it.

How often did you take a drop too much ?---Witness (with surprise)—What, sir, in four years ?---(Roar of laughter.)

I want to know how often to the best of your recollection ?---Ah, sir, you put too heavy a question to me.

How often on a moderate computation ? Why, sir, some people carry their liquor so well that you can't tell when they have got it.---(much laughter.) I can't answer that question.

Did it happen every afternoon ?---Oh, sir, I was not drunk every day.

What then ?---Why I should say middling, as we are all, more or less.---(Shouts of laughter.)

Were you drunk driving to the Queen's Ball ?---No, sir, I was sober then ; but going to the Marquis of Lansdowne's in the evening I certainly had a drop too much. That was when the black horse galloped.

Did you not say you were the principal witness against the Premier of England ? I said I was one of the witnesses I do not know that I could have said that.

Martha Morris examined : Did you ever live in the service of Mrs Norton ?---Yes.

I believe you know her handwriting ? Yes, I do.

[A letter was here handed to the witness.]

That letter is in Mrs. Norton's handwriting ? Yes, it is.

The following letters were then read :

*Tuesday, July 12, 1831.*

Dearest George.—Our chicken came safe to hand this morning, it having rained torrents nearly all the night. He rested at Mere, and came on in the gig Seymour sent, and I have just seen him washed and put to bed, in a large high airy room ; he has been in high spirits all day, playing with the pet lamb and beagle puppy, the latter of whom shows a decided attachment to his little companion ; but the lamb is



rearily so stupid and so awkward, that I wished it roasted a dozen times a day. I think and hope Menny has not taken cold, but Mrs. Moore says, that when the rain came on very heavy the outside passengers crammed in, and as they were very wet, it is a bad chance for him. I hear Mr. Bush, the doctor, is a very experienced person, with the practice of several parishes in his own hands, so I do not feel so unhappy at being parted from my beloved Herbert. I got a little scrawl from you this morning (which by the omission of the word 'Merc,' on the direction, travelled to three or four towns) reproaching me for not writing, whereas I have written every day, except last night, when I thought I would wait till the arrival of my dear lambkin, whose coming gave me great joy. Your letters are too short, sir, and if you do not make them longer I shall believe you are looking on at the 'domestic happiness' of that amiable young person and her bridegroom to whom you were charitable enough to pay a visit some time since. Our pony-chaise comes home to-morrow, and then, I suppose, I shall see Longleet, and tell you something of the country, but there is nothing to tell about close by, I dreamt last night that you were dying, and two old maids told you stories of me, and then persuaded me you would not see me; but I rushed into your room and found it was all a lie, and that you were dying for my company, and then I thought, as I was sitting by you explaining, I saw you grow quite unconscious and die, wherefore I woke with a flood of tears, and walked up and down with bare feet till Mrs. Moore arrived and informed me that you were quite well, and no old maid with you. I dreamed the night before that baby was drowning, and I saw him floating down the river, but no one would attend to me, because I was mad! Horrid dreams beset me; I cannot bear sleeping alone—hem!! You ought to be down and protect me. This morning I broke my already broken tooth quite up into my jaw, and it almost put out my eye with the pain. I drew that fragment myself with much trouble with the pincers in my dressing-case, and was exactly twenty-four minutes at it! Pity my sufferings! I will write every day of myself and two children.

Ever yours, affectionately,

Hon. G. C. Norton.

CAROLINE.

*Sunday. 1835*

Dearest George.—I fear this will be but a hurried line, for they do run about so all day in the open air, that time slips away till we dress for dinner. I have sent you gunpowder, and hope it will come safe. Penny is very well indeed, and I have bought flannel at Dundee to roll him in, I have not heard again of baby. Lady —— is come with a sweet little child to play with. Lord —— and Mr. ——, and Lord —— come to-morrow; we are asked to Camperdown. I saw the handsome old Lord B—, and a young one. Come back, darling, I am wishing for you. To drive four small piebald ponies, and swinging, and flinging beech nuts at one another's heads, is all we do, and very good sport it is.—I shall write you again to-morrow or next day, and pray write me. I have not heard of you yet; direct Lughture, Perthshire, it comes quicker. Tell Mrs. Charles there never was anything so beautiful as the room she is to have in right of being a bride. God bless you. Love to all. Ever your's.

CAREY.

My Dearest Geordie.—Lord Melbourne has lent me a curious book, (Dr. Lardner's Letters,) in which the Doctor 'proves' that Mary Magdalen was the most virtuous of her sex. I have not looked at it, as I do not wish to lose the post to you, but am very curious to see it proved. I was shewing the opera-glass you gave me to the boys, and Brin-



ney said, 'What do you see?' 'I see your dear little dirty face,' quoth I; I then handed it to him, and said, 'What do you see?' 'I see your dear big dirty face,' said he; wasn't it quick and funny? The other laughed amazingly at this filial impertinence. Spencer's 'good things' I must not omit. We were sitting with Charlie and he was dull. 'Now,' said he, 'let us resign.' 'What do you mean?' said I. 'People says resign, 'when they go out,' quoth he; so much for living with Ministers, [much laughter!] Your ever affectionate, C.

Dearest George.—Take your bath and be better; you cannot think how I reproach myself at your being ill, it makes me quite unhappy; but it shall never happen again, your remorseful wife promises you faithfully—you are a good kind hubb in the long run, and don't believe me when I say harsh things to you, waking or sleeping; balance my words last night against the day you woke me. Glad to make friends, and happy to see you at Paris, and forgive me! Your's, CAR.

The papers containing Mr. Norton's appointment as a police magistrate were then put in, and Sir William Follett then said that the plaintiff's case was then closed.

The Attorney General rose to address the Jury for the defendant. He could assure them unfeignedly that he rejoiced in the wish intimated by them, that the trial should close that evening. Their wish had saved him a night of anxiety, and he knew that before he left the Court, his Client would be delivered from the unfounded charge brought against him. They would have the satisfaction when they laid their heads upon their pillows, to reflect that, having heard all the evidence, and given it the most dispassionate consideration, they would come to the calm and clear conclusion that it was wholly insufficient to support the accusation. He confessed that it would have been more according to the usual practice if his learned friend Sir William Follett, instead of opposing had seconded his application for an adjournment. But no—when he found that it might be an advantage to the defendant, he strongly opposed the delay. That he must say was an unusual opposition, but the present was an unusual case. He (the Attorney General) disdained the notion of asking for delay, on the ground that he should call witnesses. He would tell them frankly that he would call no witnesses. He would rest upon that which he should demonstrate to them—that no case had been made out against his client—that all the material facts that had been urged were false, and that from the facts that really did exist, no inference whatever unfavourable to his client could be drawn. He asserted his innocence, and that there was no proof whatever in which a Jury could satisfactorily come to a conclu-

sion of his guilt. His learned friend had truly said that this was a criminal prosecution. It was a prosecution for a high crime, and he should even maintain that the violation of the marriage vow was one of the greatest crimes, and in proportion as the accusation was deep and grievous, the proof ought to be clear and convincing. There was every presumption in his client's favour in the present instance. There was a charge against two parties, and they should bear this in mind, that neither of them could be called as witnesses. Lord Melbourne could not because he was the defendant—Mrs. Norton could not because she was the wife of the plaintiff. Therefore it was impossible if any witness could come forward and say that he had seen a fact when no persons except these two were present that that witness could be contradicted. They could only in such a case look to the character of the witness—the probability of the story, and the credit to which it was entitled. If a charge of want of chastity was brought against the purest of women, and that no one but the accuser was said to be present, she must rest her defence on her own innocence—the improbability of the story, and the character of the accuser. In the present case they ought to have evidence—clear, convincing, unequivocal—leaving no reasonable doubt on their minds. They must believe that the adulterous act was really committed and completed, for nothing short of it would entitle the plaintiff to a verdict. The most alarming consequences would result from an opposite state of things, and if the nuptial tie could be dissolved without absolute proof of adultery, the evidence must be the same as in a criminal indictment, and the defendant was entitled to the same presumptions and privileges, the same evidence must be given as was required for dissolving the marriage altogether, in prosecuting a sentence of divorce, in which case even the confession of the parties was considered insufficient. The learned authority which Sir William Follett had referred had said emphatically that it must be seen not only that she had surrendered her mind but her person, otherwise it would be wholly insufficient. He should be able to shew them that there was nothing but an intimacy of friendship and innocence—nothing but what was known to and sanctioned by Mr. Norton. He acquitted Mr. Norton from having any idea that there was anything improper between the parties, or that



it would disgrace him if a verdict was found against him, by the suspicion that he connived at his own dishonour. This was the most extraordinary case that ever was brought into a Court of Justice. These parties were married in 1827, and lived happily together till the 29th of March, 1836—no alienation of the affections or seduction of the mind of the wife; and, in his experience, he had always found that this was the inevitable consequence of a breach of the conjugal vow—that a woman who forgot the duties of a wife, forgot those of a mother. On the contrary, Mrs. Norton, down to that period, was fondly attached to her children; and as the witness had stated, when she found she was almost deprived of her children, she was deprived of her reason, and was in a state bordering on distraction. In the history of such cases the parties had generally lived happily until the paramour had been introduced, and then the affections of the wife had been gradually weaned from her husband and children, and she forgot all her domestic duties, which ended in a discovery of her infidelity and separation. Was there any single circumstance in the present case like that picture! No, all was uninterrupted harmony according to the evidence, except that of the infamous witness Ninette Elliot, which was contrary to the whole tenor of the case, as well as the opening of his learned Friend. There was no suspicion of any impropriety by Mr. Norton in Lord Melbourne's visits; on the contrary, he approved of them. That was another feature of suspicion, and shewed them that the present was like every other case. It shewed that Mr. Norton was under some delusion, that his mind was poisoned, and that he had been made the tool of others, he would not say from personal but from political motives, by which the present action was commenced and supported. He cared not for the political sentiments of those he addressed—he would as soon have twelve political opponents as twelve supporters of his noble client, as he was sure they would do justice to both parties. There was left on the Jury the leader of the political party opposed to his client, but he would have as soon seen Sir Robert Peel in that box as any other gentleman; and neither Lord Melbourne nor those who advised him, ever thought of objecting to that gentleman. He felt he was addressing 12 honest, independent men, he cared not what their political bias might be, as he was satisfied they



would only look to the evidence, and give a verdict according to it. Another remarkable feature in the present case was, that up to that day the defendant's advisers had not the most distant conception of who the witnesses were with the exception of two, and one (Mansell) who had not been called. In the Ecclesiastical Court, time, and place, and circumstance, must be proved, but here there was nothing definitive; the evidence ranging over a period of four or five years, and excluding all evidence of what occurred within the last two or three years, during which time the parties continued to live in harmony. During that time Lord Melbourne's visits continued, and he remained on the same friendly footing with the family. Nothing was given in evidence relative to 1834, 1835, or 1836, a circumstance wholly unexampled in the annals of such cases. Unless therefore a jury was watchful, vigilant, discriminating, and just, as he felt they would be, it was utterly impossible that the innocence of the party could be vindicated. Under such circumstances it was impossible that a party could defend himself, except by showing the nature of the charge, and the character of those by whom it was made. By whom were the charges made in the present instance? By discarded servants—a race, the most dangerous in all cases, but particularly in cases of this sort, wholly unworthy of belief. These servants generally remained in the family some time, and yet suspected nothing while they lived in it. They might remember the evidence of Cummins, who, during the two years and three months she remained there, suspected nothing improper. In the name of God, who made her suspect anything? Who put harm into her head? When servants for years suspect nothing, and then come and make such statements, what credit could possibly be attached to their testimony? His Learned Friend had quoted a law book, and he would quote another relative to cases like the present:—"In a discovery made by a servant, it was important to shew that it was promptly communicated to the party injured. If it is not made till after a quarrel or dismissal from the service, or after a long interval, the evidence labours under great suspicion." In this case the supposed discovery was made after dismissal, after a quarrel, and after a long interval. Here all the alternatives of the learned writer were put in conjunction. In the instance of the witness

Fluke, he had left the service in 1834, in consequence of a quarrel with Mrs. Norton, which he had so graphically described, and it was not until 1836 that he had made the supposed discovery. He would ask the Jury whether, according to the rule laid down, they should not look at his evidence with the greatest suspicion. One of the greatest writers, statesmen, and philosophers that had ever adorned a country, (Edmund Burke) in talking of domestic servants, had said that they sowed the seed of discord, and surrounded the bed and table with snares—that no man's life was safe or comfortable—and that they were nothing but instruments of terror and alarm. What family, he would ask, could be safe, if at the distance of years, discarded servants could come forward and make such statements, concealed for so long a period, and which they themselves admit excited no suspicion while the circumstances were recent, and while they were there to make these observations? If they were to be brought forward at the end of years, excited with the hopes of reward and of making their fortunes, what safely could there be, what protection for innocent persons? He could not approve of the manner in which the witnesses had been carried off from their homes to Wondersh. He cared not who was offended, but he would say that the system of carrying off the witnesses, such as had been detailed that day—of giving them large sums of money—of exciting these extravagant expectations that had been detailed if their evidence proved successful—was one which could not be defended, and was a mode of conducting a case reflecting very little credit on those resorting to it. No case had ever been conducted as the present had been. It had been asserted that every servant in the service of Mr. Norton would be produced: but Mrs. Gulliver, whose testimony was most material, had been withheld. If truth only was the object of the other party, why had they not been produced? And why had not Fitness been called, who was at that moment living at Storey's Gate. They had not dared to call him, because he was there at the time of the separation; and if it had not been that Mrs. Morris had been called to prove the handwriting of Mrs. Norton, the circumstances which led to the separation, would have remained a secret and a mystery. His Learned Friend (Sir William Follett) had not dared to touch upon that point, but he (the Attorney-General) know-



ing the innocence of the parties, had asked the question, and the jury had heard the explanation. If that had not been done, it might have surmised that a separation arose from some discovery respecting Lord Melbourne, although he had as little to do with it as any of the Jury. The Learned Gentleman then detailed the circumstances which led to the separation as detailed in the evidence of the witness, Mrs. Morris. The story about the letters having been carried off was equally unfounded; and he regretted that his Learned Friend had been led into statements which he could not afterwards support. If the witness Fitness had been called, it would have proved to the Jury that these letters about which had been said, were lying scattered about the room, under the eye of Mr. Norton, and every other member of the family. What had Mr. William Norton said, the first witness his Learned Friend had called? He had said he almost always went in by Prince's court. Lord Melbourne had always entered by the street door, knocking, letting every one who was in the court see him there, and yet it was supposed that he had gone there for the purpose of dishonoring Mr. Norton! He (the Attorney General) had ventured to ask Mr. W. Fletcher Norton, whether he had any improper purpose in going in at the door he did? That Gentleman was very much shocked at the question—he had no intention of dishonoring his relative; but yet he had always entered by prince's court, and not by Bird Cage walk. But if Lord Melbourne had gone in by Bird Cage walk, how would the tables have been turned upon him? It would then have been said that he had not dared to go in at the front door, but he had clandestinely gone round to the back, in order that he might avoid detection. He (the Attorney General) could not fail to observe, that the failure of that attempt on the part of his Learned Friend to bolster up such evidence, had had a considerable influence upon the minds of the Jury as it had had upon all present; and after the failure it had experienced in the person of William Fletcher Norton, not another witness had they ventured to examine about the door in prince's court, and the door in Bird Cage walk. That was a part of the case upon which the Jury would recollect his Learned Friend, in his opening, mainly relied, which he himself was afterward obliged to abandon; and that was only a little specimen of the manner in which



the case had been attempted to be trumped up. He would say that it was the duty of the plaintiff to have given evidence of the manner in which the letters had been put in evidence were framed, on which he would make an observation hereafter; it was the duty of the plaintiff to have laid before them the circumstances under which the quarrel and separation had taken place between Mr. and Mrs. Norton, when it might have been seen to demonstration that Lord Melbourne had no more concern in the matter than any indifferant bystander then in Court; that bringing such a charge against Lord Melbourne was a mere after-thought that it was what never entered into the head of Mr. Norton himself, but was put into his head by others, he would not say who, but it must have been by some insinuating rogue who had devised the slander. It was quite clear that it was not the spontaneous suspicion of the mind of Mr. Norton—he had been played upon—the separation having been brought about by a quarrel respecting the visit to Frampton. Mrs. Norton had left the house in search of her two children in a state of horrid distraction. Then some one must have laid hold of Mr. Norton, and, for indirect purposes, had induced him to bring forward the accusation of which he never dreamt, until evidently for a considerable time after that separation had taken place. He would now draw their attention to the evidence that had been adduced, and he would venture to lay down this as a general rule, that might be applied to all the witnesses that had been examined—either they were wholly unworthy of belief, or they spoke to facts that were wholly irrelevant. He did not mean to say there had not been examined some respectable witnesses; [it would be very unfair to say so ; he would discriminate between them ; he would not attack the character of any witness that he believed to be honest and respectable, but he should be able to show that the evidence of those who deserved the testimony of respectability and credit could afford no foundation on which the charge could be founded. They first had Mr. Fletcher Norton, and he would couple with him Mr. Derby, a gentleman at the Bar of high respectability. They had given this most material evidence, which, he would venture to say, was wholly unexampled in the annals of the jurisprudence of this or of any other country upon such a subject. They said Mr. and Mrs. Norton

lived happily together. Was it possible that if the mind of Mrs. Norton had been alienated—if her affection had ceased to belong to her husband—if she had become an adulteress, and had continued in a long course of the utmost depravity—was it in human nature that she should have continued to have lived affectionately and harmoniously with her husband? One of the Jury had put the question to the witness, “Did they sleep together?” They did, and generally speaking they had cohabited together as man and wife. He would therefore appeal to the Jury as men of the world, and as men of experience, whether it was possible if an adulterous intercourse had begun in the year 1831, Mr. Norton not conniving at it, which his Learned Friend spurned at, and which he disclaimed, that she should have lived at bed and board with her husband, that they should have continued to have loved each other, that there should have been no diminution of affection, no discord, no quarrelling, and that that state of things should have continued from the year 1827 down to 1836? Why, they all knew that after a woman had surrendered her person to her paramour, she would look upon her husband with loathing—that she would consider him as an incumbrance—that she would enter his bed with abhorrence, and that it would be impossible for her to meet him without exhibiting to him her loathing, and convincing him of her guilt. But Mr. Derby had told them that there was no change whatever in the manner in which they had behaved to each other; that they were as happy, as affectionate, as regardful of each other, and as fond of their children the last time he was in their company, as they were when the intercourse between them and the witness had begun. He declared to God that he would with the utmost solemnity say that that seemed to him to be of itself conclusive proof of the innocence of the parties. He could not refrain from making an observation upon the letters that had been introduced. Were they the letters of a guilty woman? He would then retort upon his Learned Friend, Sir William Follett, who was a most eminent lawyer, that he must have known that if he (the Attorney General) had thought fit to object to the introduction of those letters, they were clearly inadmissible; and his Lordship said, that if they were written after a suspicion of adulterous intercourse had existed, they were inadmissible; and



so every one of the fifteen Judges would have decided. His Learned Friend carried back the adulterous intercourse to the year 1831, anterior to the time when the first of those letters was written. Did the jury believe that a guilty woman would have written in that playful, affectionate, and touching style, respecting her husband and her children, and those letters written down to the year 1836, a short time before Mr. Norton, in an evil hour, parted with what he (the Attorney General) believed was an affectionate and virtuous wife, whatever eccentricities might be chargeable to her. The last of the letters was written in 1836, and again he would ask them was it possible that she should talk in that playful, that simple, and that affectionate manner respecting her husband and her children, and for four or five years before that time she had been carrying on an adulterous intercourse with her paramour? But what astonished him most was; the evidence respecting the manner they had lived together confined to one distant relation of the Norton family, a gentleman at the Par, who only saw them occasionally at his or their house—he meant Mr. Derby. Why had not my Lord Grantley been called? he had been sitting on the bench the greater part of the day. As a matter of taste in that, he (the Attorney General) had nothing to do with, but it was an important circumstance. There he was, the brother of the plaintiff, the Master of Wonersh, the person to whose seat went the Flukes, and went Mrs. Cummins. (Great laughter.) He should like to have heard something of the diversions of Wonersh, the conversations of my Lord Grantley and the witnesses—(Continued laughter.) There must have been some conversations of my Lord Grantley was not called. He was the natural witness to have been called—he was the head of the family. They might then have seen who first recommended an action—what advice was taken—who persuaded the unhappy George Norton to become a plaintiff in Westminster Hall—(Laughter.) and for what purpose the action was brought. But Lord Grantley was not called; and though he was then in Court, Lord Grantley remained mute upon the Bench, and was there only out of curiosity, or to grace the cause. There were other relations who might have been materials as witnesses in the box, but none of them had been called. Why had Miss Norton not been called. She had been four months in the family in the year



1832. There were other branches of the illustrious house of Norton, and none of them had been called except Mr. William Fletcher Norton, who was a very distant relation and who called, he supposed, merely because he happened to be of the name of Norton. Then it was said, Miss Norton was abroad—but Lord Grantley was not abroad—Lord Grantley was sitting on the bench, he might have been called, but he remained neuter. He (the Attorney General) complained of this. A case of that sort was to be made out by the party who made the charge, and if he did not venture to put in the witness box those who ought to be called, then he gave evidence against himself, and acknowledged the charge was unfounded. Would it not have been a fair thing for his learned friend to have called Lady Graham, the aunt of Mrs. Norton, and Lady Seymour and Mr. Blackwood, to have stated to us the affectionate terms upon which Mr. and Mrs. Norton lived together—to have stated the high opinion they entertained of her chastity and purity, when it would have been proved that they had never up to that time disassociated herself from her society. Was it likely that in a drawing room, open at all times to visitors and to servants, parties in such a situation in life should commit, not one, but repeated acts of adultery? It was monstrous—it was incredible. If the other side wished to have a fair judgment on all the facts, why was not Miss Armstrong called, a witness on whom the most implicit reliance might be placed? Now, gentlemen, with respect to Lord Melbourne's letters, they are, under such circumstances, that, they are evidences not of guilt but of innocence; that were there are so many notes, if there had been guilt, that guilt would have been betrayed. There had been rumours most industriously but most wickedly circulated with respect to those letters. Did the three letters produced—selected no doubt from a variety as the worst that could be found—did they reflect upon the character of Lord Melbourne, either as a man or a Minister? He then referred to the letters of Mrs. Norton, and contended that they were the letters of innocence, of affection, and of a virtuous woman. He asked if those letters could have been written by an habitual adulteress? Before I conclude, I must remark that it is quite clear that Mr. Norton has been made a tool of. Suspicions have been infused into his mind without any reason whatever—he has been

abused for political purposes, which any respectable member of the party opposed to Lord Melbourne would abhor and spurn at. This is not their warfare—this is not the way in which a public man or party is attacked. So would have said Sir Robert Peel, and so I think he would say if he were associated with you in the Jury box, and so would say any hon. member of the party honourably opposed in politics to his lordship. But it is quite clear that some persons have made Mr. Norton a tool—an instrument of shame—he has been persuaded to allow his name to be used and used, merely for party and political purposes. Before I sit down, gentlemen, I think it right in the name of Lord Melbourne to declare, as he instructed me to do, in the most clear, emphatic, and solemn manner, that he never had criminal intercourse with Mrs. Norton, nor did he ever do any thing in the slightest degree to abuse the confidence which her husband reposed in him. I allow that you must find your verdict according to the evidence, and that you must not allow yourselves to be swayed by the solemn declaration of Lord Melbourne. You must look to the evidence—I wish you to do so; but looking at the evidence, I say that it is utterly impossible to find a verdict for the plaintiff. They have not attempted to prove that any thing has taken place within the last three years, they have not called the witnesses who could prove what had taken place. They call for such witnesses as Fluke, who is shown to be a drunkard and a swindler, and Cummins, who acknowledges that she prefers to live as a mistress rather than a wife, and who declares that in all the time she lived with Mrs. Norton there was no ground for suspicion and she thought no wrong. Under these circumstances, how am I to call witnesses? It is impossible. It is utterly impossible that direct evidence can be brought forward, and this being the case I willingly and unhesitatingly trust to the discrimination, the justice, and the impartiality of an English Jury. [The learned gentleman sat down amidst some cheering, which however, was quickly repressed.] He commenced his speech at a few minutes before seven, and concluded at half-past ten o'clock.

The Learned Judge summed up at some length.

The Jury having turned round, and conferred a few seconds,

The Foreman said, My lord, we are agreed, it is my duty to say that our verdict is for the Defendant.

The announcement was received with loud bursts of applause, an expression of feeling which was promptly re-echoed by shouts from the mob without the doors. The tumult having been partially suppressed,

The Lord Chief Justice said he was surprised to hear a verdict received in a court of justice in so disgraceful a manner.

The court was then cleared at half-past eleven.